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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,812	04/24/2001	Wilhelmus Hendrikus Alfonsus Bruls	PHNL 000592	5832
24737	7590	08/04/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			WONG, ALLEN C	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/840,812	Applicant(s) BRULS ET AL.	
	Examiner Allen Wong	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 3 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/10/05 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 2, 4, 5, 9 and 10 have been read and considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 5, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (5,144,426) in view of Koz (5,990,955).

Regarding claims 1, 4, 9 and 10, Tanaka discloses an arrangement and method of compressing a video signal (fig.3 is an encoding method and arrangement for compressing a video signal 101), the arrangement and method comprising:

predictively encoding (fig.3, elements 111 and 113) frames (fig.3, 101 are input video frames of video signal) of said video signal with reference to a prediction frame (fig.3, element 110);

calculating a quantization parameter for each encoded frame (fig.3, elements 118 and 122 calculates a quantization step size or parameter for each encoded frame),

quantizing the encoded frames in accordance with said quantization parameter (fig.3, element 115),

characterized in that said step of calculating the quantization parameter includes calculating a first quantization parameter (fig.3, element 122) representing a first quality or bit rate for quantizing selected first frames of said predictively encoded frames (col.15, ln.40-41; note the  $Q_b$  is the first quality for quantization of selected first frames), and a second quantization parameter (fig.3, element 118) representing a second quality or bit rate that is lower than said first quality or bit rate for quantizing selected second frames of the video signal (col.15, ln.40-53; note  $Q_{step}$  is the second quality for quantization of selected second frames and that, on lines 43-48, the second quality  $Q_{step}$  is lower than the first quality  $Q_b$  because the first quality  $Q_b$  is multiplied by a factor  $1/4$ ,  $1/2$  or  $3/4$ , thus making the second quality  $Q_{step}$  smaller or lower than the first quality  $Q_b$ ), the method further including:

decompressing (fig.3, element 126 is the local decoder or decompressor) the compressed second frames to constitute the prediction frame (fig.3, 110) for predictively encoding the first frames.

Although Tanaka does not specifically disclose said second quantization parameter degrading the second quality compared to the first quality, however, Koz teaches that the quantization value can be varied to degrade the quality compared to the previous quantization value for degrading the image quality (col.6, ln.11-13). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Tanaka and Koz together as a whole for delivering efficient, higher compression so as to hold the stream at a desired rate without exceeding the channel constraint (Koz col.6, ln.11-16).

Regarding claims 2 and 5, Tanaka discloses an arrangement and method as claimed in claims 1 and 4, wherein the step of calculating the second quantization parameter includes calculating said first quantization parameter and multiplying said first quantization parameter by a given factor (col.15, ln.40-53; note  $Q_b$  is the first quality for quantization of selected first frames and  $Q_{step}$  is the second quality for quantization of selected second frames and that, on line 44, the second quality  $Q_{step}$  is lower than the first quality  $Q_b$  because the first quality  $Q_b$  is multiplied by a factor  $1/4$ , thus making the second quality  $Q_{step}$  smaller or lower than the first quality  $Q_b$ ).

***Allowable Subject Matter***

1. Claims 3 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Tanaka discloses a motion compensated prediction interframe coding system.

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Kim discloses an adaptive quantizer with modification of high frequency coefficients.

The prior art does not disclose, teach or suggest the limitation wherein said predictively encoded frames constitute a series of successive frames, the second selected frames being every other frame of said series. As illustrated in the applicant's figure 2B, the P' frame is the every other frame that alternates with the other frames (e.g. I or P), and clearly, neither Tanaka nor Kim teaches the second selected frames being every other frame of the series of successive frames.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (571) 272-7341. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm Flextime.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



Allen Wong  
Primary Examiner  
Art Unit 2613

AW  
8/2/05